

Applicant: Nashner
Serial No.: 10/668,680
Examiner: Tung S. Lau
Art Unit: 2863

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REMARKS

Applicant thanks the Examiner for his consideration of the application. Claims 3-4, 6-11, 13-16 and 25-30 are pending in the application.

Claim Objections

The Examiner objected to claims 6 - 11 as not being in proper multiple dependent claim form. Applicant has amended claims 6 - 11 along with claim 16 accordingly.

35 U.S.C. § 103

The Examiner rejected claims 3, 4, 6-9, 11, 13-16, and 25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Appl. No. 2004/0087863 issued to Eide ("Eide") in view of U.S. Patent No. 4,703,658 issued to Mrozack Jr. et al. ("Mrozack"). Independent claim 3, as amended, is directed to a system for detecting errors in balance related screening test. The system includes, among other things, a force-plate for measuring forces applied by a subject to determine a quantity related to a balance task performed by the subject in trials under a plurality of distinct sensory conditions. Independent claims 13-15, as amended, are directed to a method for detecting a screening-test error. The methods include, among other things, measuring at least one performance parameter related to at least one balance task performed by a subject, wherein the at least one performance parameter is vertical or horizontal force applied to a force plate by the subject.

Eide is directed to a method for analyzing pressure signals derivable from pressure measurements on or in a body of a human being or animal, wherein balanced positions of single wave parameters are determined. *See*, e.g., abstract. Eide further discloses that the "balanced

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position may be termed the centroid or the centre of distribution” of a histogram or matrix or “balanced position is the mean frequency distribution of the single pressure wave parameter combinations.” Page 3, paragraph [0032]. Eide does not disclose, teach or suggest a balance task, as described by the present invention, such as walking or standing. Moreover, Eide does not disclose, teach or suggest a balance task *performed* by a subject, but rather a “balanced position” or mean distribution of a parameter measured on or in a body of a subject. In addition, as the Examiner admits, Eide does not disclose, teach or suggest a force plate for measuring forces.

Mrozack is directed to a pressure sensor assembly utilized to sense pressure of an ambient atmosphere and/or fluid. *See*, e.g., col. 1, lines 15-16. Mrozack does not disclose, teach or suggest a force-plate for measuring forces exerted by a subject, but rather measures or senses the ambient atmosphere or fluid surrounding the sensor assembly. In addition, Mrozack does not disclose, teach or suggest a balance task performed by a subject.

Therefore, neither Eide nor Mrozack, alone or in combination, disclose, teach, or suggest, “a force-plate for measuring forces applied by a subject” to determine a quantity related to “a balance task performed by the subject” as required by amended claim 3, or “measuring at least one performance parameter related to at least one balance task performed by a subject” wherein the at least one performance parameter is vertical or horizontal force “applied to a force plate by the subject” as required by amended claims 13-15. Accordingly, independent claims 3 and 13-15 are patentable in light of the cited prior art, either alone or in combination, for at least the reasons cited above. Dependent claims 4, 6-9, 11, 16, 25 and 28-30 depend directly or indirectly from independent claims 3 and 13-15, and thus contain all of the limitations of the independent claims

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from which they depend. Thus, these dependent claims are patentable over the cited prior art, either alone or in combination, for at least the same reasons set forth above with respect to claims 3 and 13-15.

Allowable Subject Matter

The Examiner objected to claims 26, 27 and 10 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Accordingly, claims 26, 27 and 10 have been rewritten in independent form, with claim 10 additionally amended to include that the at least one performance parameter is a quantity related to vertical force.

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CONCLUSION

A supplemental IDS and form PTO-1449 are enclosed along with the required fee of \$180.00 as set forth in 37 C.F.R. §1.17(p).

All the claim rejections have been addressed and all of the pending claims are allowable for the reasons stated and others. Reconsideration of the application and issuance of a notice of allowance are respectfully requested. Applicant believes that no additional fees or an extension of time is required. Please apply any additional charges or credits to Deposit Account No. 19-4972.

Respectfully submitted,



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